

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Van Steenkiste et al. EXAMINER: Steven J. Ganey
SERIAL NO.: 10/763,824 GROUP ART UNIT: 3752
FILED: January 23, 2004 ATTY DOCK. NO.: DP-309186
FOR: A MODIFIED HIGH EFFICIENCY KINETIC SPRAY NOZZLE

DECLARATION UNDER 37 CFR §1.131 OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME A CITED PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This declaration under 37 CFR §1.131 is being submitted in accordance with *MPEP 2136.05* to antedate the filing date of U.S. Patent Application Publication No. 2003/0228414 (the '414 publication) relied upon by the Examiner in rejecting claims 1-20 of the present application under 35 U.S.C. §102(e) such that the rejections under 35 U.S.C. §102(e) based on the '414 publication should be withdrawn.

Respectfully submitted,
HOWARD & HOWARD ATTORNEYS, P.C.

10/29/2007

Date

/Christopher M. Francis/
Christopher M. Francis, Registration No.: 59,511
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151

Dear Sir:

1. This Declaration is to establish conception and reduction to practice of the invention of the present application in the United States at a date prior to June 7, 2002, which is the effective date of U.S. Patent Application Publication No. 2003/0228414 (the '414 publication) cited by the Examiner under 35 U.S.C. § 102(e).

2. The person making this Declaration is an inventor of the present application.

3. To establish the date of conception and reduction to practice of the invention of the present application, the following attached document is submitted as evidence:

A copy of U.S. Patent No. 6,808,817 (the '817 patent) filed on March 15, 2002.

4. The '817 patent clearly demonstrates that I, Thomas Hubert Van Steenkiste, was an inventor of the '817 patent and constructively reduced to practice the invention of the present application on the filing date of the '817 patent. The '817 patent was filed prior to the effective date of the '414 publication.

5. From the attached document and the explanations in the paragraphs above, it can be seen that the invention of the present application was conceived of and reduced to practice prior to June 7, 2002.

6. This Declaration is being submitted prior to a final rejection for the above-referenced application.

7. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Thomas Hubert Van Steenkiste

Signature

10/11/07
Date of Execution

Country of Citizenship: U.S.A.

Residence: 62500 Romeo Plank
Ray, Michigan 48096